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Re Applic of	Jon A. Casey, et al.
Docket No.	FIS920030357US1
Serial No.	10/707,746
Filing Date	1/8/04
Attorney	H. Daniel Schnurmann

Attached: Response to Restriction Requirement

PLEASE DELIVER TO: Tuan H. Nguyen
EXAMINER: ART UNIT: 2813
CONFIRMATION NO.: 1745
PHONE NO:
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE	
In re application of: Jon A. Casey, et al	Date: September 15 2005
Serial Number: 10/707,746	Examiner: Tuan H. Nguyen
Filed: 01/08/2004	Group Art Unit: 2813
Title: Method and Structure for Integrated Thermistor	IBM Corporation D/18G, B/300, Zip 482 2070 Route 52 Hopewell Junction, NY 12533-6531

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner of Patents and Trademarks
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is in response to the Office Action dated September 08, 2005.

The Examiner in the aforementioned Office Action has required restriction under
35 U.S.C. 121, stating that the claims belong to:

GROUP I, Claims 19-22, drawn to a semiconductor device, and


GROUP II, Claims 1-18, drawn to a method of forming a thermistor.

Applicants traverse the aforementioned Restriction Requirement for the following reason:

Applicants submit that the claims as filed are related as a process of fabricating an integrated thermistor and are limited to making only the thermistor of the type illustrated in Figure 12. The Restriction Requirement justifies the restriction by vaguely stating that "the process as claimed can be used to make other and materially different products", but fails to list any such "other and materially different products". Thus, Applicants deem that both Groups I and II are one and the same, and they do not fit the criteria for restriction. Accordingly, it is believed that the restriction requirement should be withdrawn.

Notwithstanding the foregoing arguments, Applicants elect to prosecute the invention of GROUP II, consisting of Claims 1-18 drawn to the method, and withdraw from consideration the claims forming GROUP I, consisting of Claims 19-22 as being drawn to non-elected invention, without prejudice to the Applicants' right to file a Divisional or Continuation or Continuation-in-Part Patent Application for the withdrawn claims.

Respectfully submitted,
JON A. CASEY, ET AL.

By: 
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